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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/789,156  | 02/27/2004  | Makoto Ooki          | 04118/LH            | 8972             |
| 1933  | 7590        | 01/26/2005           |                     |                  |
| FRISHAUF, HOLTZ, GOODMAN & CHICK, PC<br>767 THIRD AVENUE<br>25TH FLOOR<br>NEW YORK, NY 10017-2023 |             |                      | EXAMINER            | LABAZE, EDWYN    |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2876                |                  |

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/789,156             | OOKI, MAKOTO        |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | EDWYN LABAZE           | 2876                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 October 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 22-42 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. Receipt is acknowledged of amendments filed on 10/28/2004.
2. Claims 22-42 are presented for examination.

#### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 22-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito et al. (U.S. 5,199,081).

Re claims 22-24, 40-42: Saito et al. discloses system for recording an image having a facial image and ID information, which includes a first identification unit [herein described as the image reader 104 or the character recognition 105] to identify an area of an input image as one of a character area, a photographic area, and a screened halftone area (col.3, lines 45+; col.4, lines 41+); an output unit 108 [as shown in fig. # 1] to output one of a character area identification signal a photographic area information signal, and a screened halftone information signal based on an output of the first identification unit for each identified area (col.3, lines 47+); and a recording unit to form an image for each identified area to be a respective color based on

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the signal output by the output unit for each said identified area (col.3, lines 48+; col.5, lines 36+; col.14, lines 3+). Saito et al. further teaches an identification unit 104 to identify an area of an input image as one of a chromatic character [i.e. a color pixel] area and an achromatic character [i.e. a monochrome pixel] area (col.5, lines 60+).

Re claims 25-26: Saito et al. teaches an apparatus and method, further comprising a specification unit [herein broadly interpreted as the color judgment circuit 408] to specify the respective color for each the identified area (col.7, lines 36+; col.14, lines 32+).

Re claims 27-28: Saito et al. discloses an apparatus and method, further comprising a gradation-processing unit [through the gray level detection circuit 407] to gradation-process image information of the achromatic character area (col.12, lines 55+).

Re claims 29-30: Saito et al. teaches an apparatus and method, wherein the first identification unit has an identification reference value and comprises an operation setting unit to set the identification reference value (col.9, lines 37+; col.11, lines 8+).

Re claims 32-33: Saito et al. teaches an apparatus and method, wherein the input image [through the input image processing 106] is obtained by reading [through the image reader 104] a document with a document reading device (see fig. # 1; col.4, lines 50+).

Re claims 34-35: Saito et al. teaches an apparatus and method, further comprising a control unit 101 to determine whether the output of the first identification unit is accurate (col.4, lines 50+; col.8, lines 20+).

Re claims 36-39: Saito et al. discloses an apparatus and method, further comprising an adjustment unit to automatically adjust the identification reference value based on control signals output from the control unit, and wherein the adjustment unit comprises at least one of a spatial

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filter [through the color image sensor 305 composed of red, blue, and green color filters] adjustment unit, a gamma control unit, a color conversion [through the linear density conversion circuits 403, 404, and 405] adjustment unit, and an error diffusion adjustment unit (col.6, lines 12-54; col.7, lines 31-67; col.10, lines 16-67).

***Response to Arguments***

6. Applicant's arguments with respect to claims 22-42 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Murakami et al. (U.S. 5,231,482) discloses image filing apparatus and method for thereby encoding and storing various documents.

D'Entremont et al. (U.S. 5,886,334) teaches systems and methods for recording data.

Tanioka (U.S. 6,661,921) discloses image process apparatus, image process method and storage medium.

Fujimoto et al. (U.S. 6,707,564) teaches image forming apparatus.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el  
Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
January 20, 2005



THIEN M. LE  
PRIMARY EXAMINER